

STATE PROPERTIES COMMITTEE MEETING

TUESDAY, DECEMBER 11, 2007

The meeting of the State Properties Committee was called to order at 10:07 a.m. by Chairman Kevin M. Flynn. Other members present were Robert Griffith representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; Robert W. Kay and John A. Pagliarini, Jr., Public Members. Others in attendance were Anthony Paolantonio from the Rhode Island House of Representatives; Meredith Holderbaum from the Rhode Island Senate Fiscal Office; Paul Carcieri, Maureen McMahon, Eva Bernardo, David Coppotelli and John Glynn from the Rhode Island Department of Transportation; Lisa Primiano, Mary E. Kay and John Faltus from the Rhode Island Department of Environmental Management; Marco Schiappa, John Ryan, Michael D. Mitchell, and Paul Principe from the Rhode Island Department of Administration; Robert Kando and Robert Rapoza from the Rhode Island Board of Elections; Ronald Cavallaro and J. Vernon Wyman from the Board of Governors for Higher Education; Kathryn Kelly from the Narragansett Bay Commission; Sergeant John Killian from the Rhode Island State Police; Michael DiMascolo and Robert Kray from the Office of the State Fire Marshall; Mike Mattracia from the Providence Police Department; Adam Gertsacov from Bright Night Providence; Jenny Peek from the City of Providence; Bernard V. Bounanno from the law firm of Edwards, Angell, Palmer & Dodge,

LLP.

Chairman Flynn noted for the record that the State Properties Committee did have a quorum present.

The next scheduled meeting of the State Properties Committee will be held on

Tuesday, December 21, 2007, at 10:00 a.m.

A motion was made to approve the regular minutes of the State Properties

Committee meeting held on Tuesday, November 27, as amended, by Mr. Woolley and

seconded by Mr. Pagliarini.

Passed Unanimously

ITEM A – Department of Transportation – A request was made for approval of and signatures on a Temporary Use Agreement by and between Catherine J. and Thomas F. Flaherty and the Department of Transportation. This item was deferred to a future meeting of the State Properties Committee at the request of the Department of Transportation.

ITEM B – Board of Elections – A request was made for approval of and signatures on a Lease Agreement by and between the State of Rhode Island, acting through the Board of Elections, and RAB

Properties, LLC. Mr. Ryan explained that

The Board of Election is seeking final approval of a one (1) year agreement for storage and assembly space for equipment owned by the State Board of Elections. Mr. Ryan indicated that the Certificated of Insurance naming the State of Rhode Island as an additional insured has been obtained by RAB Properties, LLC. Mr. Pagliarini noted that the Memorandum of Lease mentions a one (1) year option; however, he is unable to locate language relative to the one (1) year option in the Lease Agreement. Mr. Ryan indicated that the one (1) year option language is located on page two (2) of the Lease Agreement under the paragraph entitled Term. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM C – Department of Transportation/Rhode Island Airport Corporation – A request was made for approval of Amendments to the Easement Agreements between New England Parking, LLC and Rhode Island Airport Corporation. This request was deferred to a future meeting of the State Properties Committee at the request of the Department of Transportation.

ITEM D – Department of Administration – A request was made for approval of and signatures on a Purchase and Sale Agreement between the Department of Transportation and 1615 Pontiac Avenue Condominium Associates for the sale of property located at 1615 Pontiac Avenue in the City of Cranston. Mr. Ryan indicated that the Department of Administration previously appeared before the State Properties Committee; however, not all of the documents relating to

this property conveyance were in order. Mr. Ryan explained that subsequent to that meeting, he reviewed the entire file regarding this property and discovered what he considered to be a discrepancy in the appraisal of the property. Mr. Ryan explained that he examined the survey of the property and then overlaid it onto an aerial photograph. Mr. Ryan indicated that it appeared that the appraiser, in his original report, determined the value of the property based upon thirteen (13) parking spaces. However, the appraisal should have been based upon at twenty-six (26) parking spaces. The Department of Administration approached the appraiser, Thomas Andolfo, to review his appraisal. Mr. Andolfo agreed that there is a discrepancy. Mr. Ryan indicated that the discrepancy was the result of erroneous information initially provided to Mr. Andolfo. Mr. Ryan indicated that subsequent to providing Mr. Andolfo with the corrected information relative to the additional property being acquired totaling 12,357 square feet and by applying a time adjustment, Mr. Andolfo determined that the value of the land should be increased from \$85,000 to \$90,000. Further, Mr. Andolfo determined the value of the back rental payment for the ten (10) year encroachment on State-owned property should be increased from \$30,000 to \$61,000. The Buyer continues to agree to pay the appraisal cost in the amount of \$4,125.00. Therefore, 1615 Pontiac Condominium Associates will pay the total sum of \$155,125 to the State of Rhode Island for the acquisition of the subject property. Mr. Woolley indicated that it is his understanding that until the closing on the sale of this property, 1615 Pontiac Condominium Associates will pay a monthly rental fee

for the use of the parking spaces. Mr. Mitchell indicated that the Lease Agreement was revised to include language, which stipulates that the Buyer shall pay \$559 per month to the State of Rhode Island as rent for the use of the property until the date of closing on the property. Mr. Mitchell noted that the closing date is proposed for January 31, 2008. Chairman Flynn clarified that the sale price is being increased by \$5,000 and the rental fee is being increased by \$31,000. Mr. Kay asked when the encroachment on State-owned property began. Mr. Ryan indicated that the encroachment began in 1997. Mr. Pagliarini commented that he is concerned with the appraisal process being utilized by the various State-agencies. Mr. Pagliarini recommended that all State-agencies re-evaluate the practices and methods being utilizing with some of their contract appraisers and potentially remove some the appraisal firms from the list and utilize new firms. Mr. Pagliarini indicated that he is recognizing a pattern relative to the appraisals of State-owned property and plans to continue to review and question appraised values, which he finds troublesome. Mr. Schiappa noted that as the original appraisal of this property was conducted long before any of the individuals present today were involved in the transaction, they had no idea what information Andolfo Appraisal Associates was given in order to appraise the subject property. However, Mr. Schiappa indicated that he will review and re-evaluate the current list of appraisal firms being utilized by State agencies, as well as review and re-evaluate the process being utilized by the Division of Facilities Management to gather information upon which the appraisal firms

rely to determine the value of State-owned property. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM E – Department of Administration – A request was made for permission to utilize the Department of Transportation and Department of Health’s parking lots on December 31, 2007 for “Make This New Years Eve a Bright Night,” Bright Night Providence fire works display. Mr. Gertsacov explained that Bright Night Providence is before the State Properties Committee with its annual request for permission to utilize parking lots located on Capitol Hill to execute a fireworks display on New Years Eve. There are two (2) fireworks displays scheduled; the first beginning at 5:30 p.m. and the second beginning at Midnight. Mr. Schiappa indicated that on Friday, December 7, 2007, he received a telephone call from Markham B. Goldstone, Executive Vice President of The D.L. Saunders Real Estate Corporate, on behalf of its client One State Street Properties, which owns the building located directly across the street from the fireworks display site. Mr. Goldstone indicated that he wished to attend this meeting to express his concerns to the State Properties Committee relative to this event. Mr. Schiappa indicated that unfortunately, he was unable to connect with Mr. Goldstone in time for him to attend this meeting. Mr. Schiappa indicated that he requested that Mr. Goldstone provide the State Properties Committee with written correspondence expressing his concerns. Mr. Schiappa indicated that on such short notice, Mr. Goldstone was only able to provide him with correspondence, which was previously forwarded to

Mr. Gertsacov on July 11, 2007, regarding losses, which he believes the One State Street property sustained as a result of the fireworks display hosted by Bright Night Providence last year. Mr. Schiappa explained that generally Mr. Goldstone stated that a white canopy is erected in front of the One State Street building and alleges that the canopy sustained substantial damage in the form of thousands of blemishes and that the surface protection of the canopy has been irreparable damaged. Mr. Schiappa provided a copy of Mr. Goldstone's letter to the State Properties Committee for its review. Mr. Schiappa explained that Mr. Goldstone's main concern seems to be the lack of response from The Lexington Insurance Company and Colonial Fireworks Company. Mr. Schiappa explained that Mr. Goldstone filed a claim with The Lexington Insurance Company and the Colonial Fireworks Company and its insurance agent and indicated that he has received no response or cooperation from either company. Mr. Goldstone then filed a claim with his own insurance company for the damages. Mr. Gertsacov stated on July 3, 2007, Mr. Goldstone contacted him inquiring as to what company launched the fireworks and alleged that the canopy was damaged as a result of the fireworks display. Chairman Flynn clarified that Mr. Goldstone is not alleging that the 4th of July fireworks display caused the damage, but that the damage was caused by the New Year's Eve fireworks display. Mr. Gertsacov stated that Mr. Goldstone is claiming that the damage to the canopy was caused by the New Year's Eve fireworks display. Mr. Gertsacov indicated that he felt it is rather strange that Mr. Goldstone waited until July to contact him regarding damage to his

property which he alleges happened in December 2006. Mr. Gertsacov stated he provided Mr. Goldstone with contact information for his insurance carrier and for any other party he felt could be of assistance. After further discussion, Mr. Gertsacov indicated that the insurance carrier denied Mr. Goldstone's claim due to lack of proof that the damage to the canopy was caused by the fireworks display and also due to the fact that Mr. Goldstone waited seven (7) months to file a claim. Mr. Gertsacov indicated that after filing a claim with his own insurance carrier, Mr. Goldstone requested that Mr. Gertsacov pay the insurance deductible. Mr. Gertsacov explained that he was not in a position to do that and respectfully declined to pay the insurance deductible. Mr. Gertsacov informed Mr. Goldstone that he would have to go through his insurance carrier in an attempt to obtain the insurance deductible payment. Mr. Gertsacov indicated that was the final time he had any contact with Mr. Goldstone. Mr. Schiappa indicated that Mr. Goldstone relayed the same information to him and stated that Mr. Gertsacov has been very pleasant and helpful during their contact. Chairman Flynn asked if Mr. Goldstone gave any indication as to why he waited seven (7) months to file a claim and/or contact Mr. Gertsacov. Mr. Gertsacov indicated that Mr. Goldstone and the property manager both reside in Boston and do not have the opportunity to come to the subject property often. However, Mr. Gertsacov tends to assume that there is a property manager on site that on January 2, 2007, should have noticed the alleged substantial damage to the canopy and followed through accordingly in a timely manner. Mr. Gertsacov also indicated that had

the issue been handled in that manner the insurance company had indicated that it would have paid the claim. Mr. DiMascola indicated that he had a discussion with the individual launching the fireworks. Mr. DiMascola also indicated that based upon the information received from the fireworks shooter's insurance company, it did investigate Mr. Goldman's claim and chose to deny said claim as well.

Mr. DiMascola stated that as the Office of the Fire Marshal has in the past, it requires the insurance company to address the property at One State Street as being covered under the insurance policy in the event of any damage as a result of the fireworks display event. The Office of the Fire Marshal in fact requires the same terms and conditions for all abutting properties. Mr. DiMascola indicated that the State Fire Marshal Office has certain requirements and Mr. Gersacov and the Division of Facility Management have fulfilled any and all requirement of the Rhode Island General State Law. Mr. DiMascola explained the process by which the display is executed from the time the fireworks shooter arrives at the Rhode Island State-Line until the fireworks display is fully executed. Mr. DiMascola indicated that the Providence Fire Department must provide details in accordance with Rhode Island General State Law. Mr. DiMascola stated that an issue arose regarding canopies. Mr. DiMascola stated that any canopy larger than 10'X 12' or 120 square feet, which the subject canopy far exceeds, is required to have a certain level of fire rating protection. Mr. DiMascola indicated that he has made contact with the Providence Fire Department and asked them if the subject canopy is in compliance with this requirement; however, he was

unable to secure the specific information in time for this meeting. Mr. DiMascolo also noted that Mr. Goldstone is not alleging one or two blemishes, he is claiming that there are thousands of blemishes and that the fire retardant material has actually been affected and that the fire retardant treatment has now been removed, which was previously on the canopy. Mr. Pagliarini recommended that for the upcoming event One State Street Properties should be listed as an additional insured or the State of Rhode Island should seek permission to allow the insurance company to photograph the property, canopy and roof prior to the event. Mr. DiMascola provided the Certificate of Insurance, which indemnifies Boston Investment Properties as well. Mr. Schiappa stated that Mr. Goldstone was also very agreeable and his goal was not to derail this celebration; however, it is this gentleman's position that he is out \$6,000 from last year's event, and is concerned about preventing further damage to his property. Mr. Griffith asked if the subject canopy has been replaced. It is Mr. Gertsacov understanding that the canopy has been replaced and thus, he continues to attempt to collect the \$6,000 insurance deductible. Mr. Griffith indicated it is of vital importance that the State of Rhode Island obtains permission to enter the One State Street premises concerning cleanup. Mr. Gertsacov indicated that he has not received any formal permission from One State Street Property to enter onto its premises. Mr. DiMascola indicated that he drove by the subject property yesterday and from his vantage point, the canopy did appear to be relatively new. Mr. Pagliarini recommended that the Office of the Fire Marshal located the prior

permit to ensure that the canopy meets the requirement of the proper fire retardant. Mr. DiMascola agreed and indicated that he would follow up on said issue. A motion was made to approve subject to either Mr. Schiappa's office or Bright Night Providence contacting the owner of the One State Street property to seek permission for a pre-event inspection to be conducted as well as approval to photograph the building's roof, canopy and any other components of the property, which could potentially be damaged as a result of this event by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM F – Department of Transportation – A request was made for conceptual approval to convey 10,242 square feet of State-owned property, which fronts Peck Street in the City of Providence. Mr. Carcieri provided the Committee with an aerial map of the subject property for its review. Mr. Carcieri explained that the Department of Transportation is seeking conceptual approval to convey the subject property to Extell Development Company. In exchange for said land, the Department of Transportation expects Extell Development Company's friendly acquisition by the State of Rhode Island of property needed for the I-195 relocation project. Using the aerial photograph, Mr. Carcieri illustrated the location of the 10,242 square feet of State-owned land and the 3,700 square feet of the land owned by the Extell Development Company, which the Department of Transportation requires for the straightening of Dyer Street. Mr. Carcieri explained that the relocation of Peck Street is not indicated on the aerial photograph. However, Mr. Carcieri provided a site map

for the Committee's review and explained the Department of Transportation's proposed plan for the relocation of Peck Street in detail.

Mr. Carcieri indicated that Extell Development Company desires the State-owned property in order to develop its own land. The Extell Development Company is the only abutter and is proposing the construction of a mid-rise office complex for its parcel of land which will spill over onto the State-owned land it wishes to purchase. Mr. Carcieri introduced Bernard Bounanno, counsel for the Extell Development Company. The Department of Transportation endorses the exchange of the properties and has received a letter of support from the City of Providence undersigned by Mr. Deller, the City's Chief Planner. Mr. Carcieri indicated that "comments" from Mr. Nelson of the Statewide Planning Program advise that the property will be subject, in terms of its sale, to special deed restrictions due to the historic nature of the so called "Harbor Front" area. Mr. Pagliarini explained that he believes the sale of this property to Extell Development Company at this time is premature. Mr. Pagliarini explained that at this time the property does not appear to be all that valuable. However, after reviewing the map illustrating the proposed plans for the relocation of Peck Street, it is Mr. Pagliarini's opinion that the subject property should be offered for sale via a Request for Proposals. Mr. Pagliarini reiterated that once Peck Street is relocated the subject property will become a much more valuable property than it at this time; due to the property being landlocked. Mr. Pagliarini asked if an appraisal of the subject property has been conducted. Mr.

Carcieri indicated that the Department of Transportation has a preliminary appraisal, which values the State-owned property at approximately \$1,000,000 and the Extell Development Company's land at approximately \$200,000. Mr. Carcieri stated that the balance due the State of Rhode Island would be in the realm of \$800,000. Mr. Carcieri indicated that another benefit to the State of Rhode Island is the friendly, uncontested acquisition of the Extell Development Company's property. Mr. Carcieri indicated that the Department of Transportation believes that a direct sale of the property to the Extell Development Company; especially from the point of view of the Department obtaining the property necessary for the Peck Street project uncontested. Mr. Pagliarini asked if the future Peck Street will cross Route 195 property. Mr. Carcieri indicated that a portion of the future Peck Street will cross existing Route 195 property. Mr. Pagliarini asked if there is a Route 195 relocation master plan in place. Mr. Carcieri indicated that the Department of Transportation has assembled an in-house committee that is studying a master development of all the post project land, which the committee anticipates will be approximately forty-three (43) acres of land. Mr. Carcieri indicated that this particular transaction has been brought before said committee and approval was granted. Mr. Carcieri stated that the committee is in its infancy; gaining some preliminary material and will move forward in time to sell the property as best suits the states interest. Mr. Pagliarini asked if there is an actual document, which can be provided to the State Properties Committee for its review. Mr. Pagliarini believes that the sale of the post Route 195

land should be evaluated in a comprehensive plan rather than being sold in a piece meal manner, which he believes will ultimately devalue the property. Mr. Woolley indicated that he discussed this item with the Deputy Attorney General and it was agreed that the Department of Transportation's conveyance of the subject property at this time is premature. Mr. Woolley indicated that it is premature to begin disposing of State-owned land in this area until there is a more global representation of future development. Chairman Flynn agreed that the subject property should be offered for sale via the request for proposals process. A motion was to deny the Department of Transportation's request for conceptual approval to dispose of the subject property until such time as there is a master plan in place, which can be reviewed by the State Properties Committee by Mr. Pagliarini and seconded by Mr. Woolley.

Chairman Flynn asked Mr. Pagliarini to clarify whether he was recommending denying the request until such time as a master plan relative to this site is in place or a master plan for all post Route 195 property. Mr. Pagliarini stated that he is making a motion to deny conceptual approval to convey the subject property until such time as a master plan for all post Route 195 property is in place. Mr. Pagliarini indicated that his rationale is that he does not want to dispose of the post project property in a piece meal manner because a more cohesive plan may very well increase the value of the property.

The motion to deny conceptual approval to convey the subject property failed two (2) votes "Aye" to three (3) votes "Nay"

Two Votes “Aye”

Mr. Pagliarini

Mr. Woolley

Three Vote “Nay”

Mr. Griffith

Mr. Kay

Chairman Flynn

Under discussion, Mr. Bounnano respectfully request the Committee refrain from voting relative to this request until such time as Mr. Fallon, the owner of the property, has an opportunity to address the State Properties Committee and explain his proposal relative to this property. Mr. Bounnano also reiterated that he is in possession of a letter from Mr. Deller of the City of Providence, which indicates the City supports this project. Chairman Flynn indicated that the State Properties Committee certainly respects the City’s opinion; however, the State Properties Committee is required by statute to offer State-owned property at a public sale rather than a sole source sale unless mitigating circumstances exist, which dramatically affect the value of the sale. As there is great potential for this property’s value to increase in view of the relocation of Peck Street, the State Properties Committee is compelled to ensure that the State of Rhode Island receives the best and highest value for its property, which is usually accomplished via the request for proposals process.

Chairman Flynn indicated that he has no objection to deferring this item to a future meeting of the State Properties Committee. Mr. Bounnano reiterated that he would appreciate his client having the opportunity to present the proposed plan for the property to the State Properties Committee and additionally giving the City of Providence the opportunity to present its input. A motion was made to table this matter to a future meeting of the State Properties Committee by Mr. Griffith and seconded by Mr. Kay.

Passed Unanimously

ITEM G – Department of Transportation – A request was made for conceptual approval to convey 13,175 square feet of State-owned property located adjacent to Sweet Corn Lane and Dunn’s Corner Road in the Town of Westerly. Ms. Bernardo explained that the Department of Transportation is seeking conceptual approval to convey the subject property to the applicant, Thomas K. Haggerty. Ms. Bernardo stated the Mr. Haggerty wished to purchase the subject property for purposes of additional parking and beautification. Ms. Bernardo noted that all Department of Transportation’s operational sections have approved the proposed sale. The applicant is the only abutter to the subject property. Ms. Bernardo indicated that the subject property is not a buildable lot. Chairman Flynn asked what the property is zoned. Ms. Bernardo indicated the property is zoned residential. Chairman Flynn asked how large a parcel of land must be in order to be considered buildable in the Town of Westerly. The Town of Westerly requires a lot to be at least .33 acres or 14, 375 square feet. The subject property is undersized by 1,200 square feet.

Chairman Flynn clarified that the subject property is just slightly shy of the required square footage in order to be considered a buildable lot. Mr. Woolley questioned what is to prevent the applicant from reconfiguring the boundaries of his property in order to cause the subject property to be considered a buildable lot. Ms. Bernardo indicated that once the Department of Transportation conveys a property, it is up to the buyer to do as they wish with said property. Chairman Flynn asked if the subject property was appraised as a buildable lot or an unbuildable lot. Ms. Bernardo indicated that she believes it is being appraised as highest and best use. Mr. Pagliarini noted that in accordance with the Action Request Form submitted by the Department of Transportation, an appraisal of the property has not been conducted. Ms. Bernardo explained that the subject property is in the process of being appraised. Mr. Griffith asked if the applicant's property is located across the street from the subject property. Ms. Bernardo stated that the applicant's property abuts the subject property. Chairman Flynn asked Ms. Bernardo to once again clarify the applicant's intention relative to the subject property. Ms. Bernardo indicated that the applicant expressed intention is to purchase the subject property for additional parking and beautification. Chairman Flynn explained what he believes to be the concerns of the Committee to Ms. Bernardo. Chairman Flynn indicated that the subject property is just slightly undersized, the applicant owns abutting property, which is oversized. It is not unrealistic to consider the possibility that the applicant could buy the subject property as an unbuildable lot, obtain an administrative

subdivision, apply 1,000 square feet of his property and quickly make the subject property a buildable lot. Chairman Flynn expressed his concern that if the Department of Transportation sells the subject property at a purchase price based upon said property being an unbuildable lot; and it is very possible that the applicant does not intend to simply utilize the property for additional parking and beautification but to develop the property. In that case, the State of Rhode Island will fail to realize the highest and best value for the subject property. Chairman Flynn recommended that perhaps the most fair and equitable resolution is to obtain two separate appraisals of the subject property as both a buildable lot and as an unbuildable lot. The applicant will have the option of choosing the appraisal which is most acceptable to him. However, whichever appraisal the applicant chooses, whether it be the appraisal based upon beautification and parking or the appraisal based upon the subject property being a buildable lot, said choice will be forever binding. A motion was made to grant conceptual approval to convey the property, subject the above terms and conditions by Mr. Pagliarini and seconded by Mr. Kay.

Passed Unanimously

ITEM H – Department of Transportation – A request was made for conceptual approval to convey approximately 5,000 square feet of land located along Forge and Ives Roads in the Town of East Greenwich. This item is deferred to the next meeting of the State Properties Committee at the request of the Department of

Transportation.

Passed Unanimously

ITEM I – Department of Transportation – A request was made for approval of and signatures on a Sign License Agreement by and between Albion Crossing LLC for permission to utilize 400 square feet of State-owned property in the Town of Lincoln. Mr. Coppotelli explained that Albion Crossing LLC approached the Department of Transportation to enter into a five (5) year on-premise license agreement. Mr. Coppotelli indicated that Albion Crossing LLC is located at Albion Road and George Washington Highway in the Town of Lincoln. The license fee has been established at \$600 per year; however, at the expiration of the third year the fee will be re-evaluated. This request was approved by the Department of Transportation's Land Sales Committee on October 15, 2007. Mr. Coppotelli provided a site map for review by the Committee. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Griffith.

Passed Unanimously

ITEM J – Department of Transportation – A request was made for approval of and signatures on a Temporary Construction Easement by and between the Department of Transportation and the Narragansett Bay Commission for 1,465 square feet of land located on India Street in the City of Providence. Mr. Glynn introduced Kathryn Kelly, an engineer from the Narragansett Bay Commission, and indicated she will be glad to answer any technical questions the State Properties Committee may have. Mr. Glynn indicated the

Department of Transportation is seeking approval and execution of a Temporary Construction Easement Agreement requested by the Narragansett Bay Commission to allow it to rebuild the, so called, siphon house located on India Street in the City of Providence. Mr. Glynn explained that the Narragansett Bay Commission requires said construction easement to provide it with some working room around the construction site. Chairman Flynn asked if the structure will be rebuilt or replaced. Ms. Kelly indicated that as the structure was originally erected in 1895 and is in such poor condition, it is necessary to replace the building. A motion was made to approve Mr. Griffith and seconded by Mr. Pagliarini.

Passed Unanimously

ITEM K – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement with First Night Newport, Inc. for permission to hold its annual fireworks display at Fort Adams State Park on the evening of December 31, 2007, with a rain date of January 1, 2008. Mr. Faltus explained that this is an annual request from First Night Newport for permission to utilize a portion of Fort Adams State Park for its fireworks display to commence at 9:15 p.m. on December 31, 2007. Mr. Faltus indicated that the Executive Director of First Night Newport, Mr. Charles Roberts, usually submits the Certificate of Insurance and necessary permits from the City of Newport Fire Department to the Department of Environmental Management prior to requesting the item be brought before the State Properties Committee. However, Mr. Faltus provided the Committee with copies of a letter from First Night

Newport's insurance agent, which binds it to an insurance coverage policy and a letter from the United States Coast Guard which indicates that it would not require First Night Newport to obtain a Marine Event Permit for this fireworks display. Mr. Faltus also provided a copy of correspondence from the FAA to the fireworks company advising it of its requirements for the fireworks display because of its proximity to the Newport Airport. Mr. Faltus noted that there have never been any problems associated with First Night Newport or the New Year's Eve fireworks display in the past. Mr. Faltus respectfully requested that the State Properties Committee grant approval for permission for this event subject to the Certificate of Insurance and the necessary permits from the Newport Fire Department being submitted to the Department of Environmental Management and the State Properties Committee in advance of December 31, 2007. Mr. Griffith indicated that in light of his past experience with both First Night Newport and Mr. Faltus, he is confident that Mr. Faltus will ensure that the proper documents are received prior to the event. Therefore, a motion was made to approve subject to the Certificate of Insurance and the necessary permits from the Newport Fire Department being submitted to the Department of Environmental Management and the State Properties Committee prior to December 31, 2007, by Mr. Griffith and seconded by Mr. Kay.

Passed Unanimously

ITEM L – Board of Governors for Higher Education – A request was made for approval of and signatures on a Grant of Easement Agreement by and between the Board of Higher Education and the

Narragansett Electric Company. Mr. Wyman indicated that this request was approved by the Board of Governors for Higher Education at its most recent meeting last week. Mr. Wyman explained that the Grant of Easement Agreement will allow the Narragansett Electric Company to install a new power service into the site of the Pell Library and Undersea Exploration Center. The project has been funded by general obligation bonds, the purchase order has been awarded and the construction is underway. Mr. Wyman explained that unlike the Kingston Campus where the majority of the high voltage electrical grid that serves the campus buildings is owned and maintained by the University of Rhode Island, the Narragansett Bay Campus' power service, both overhead and underground, is owned by National Grid. Therefore, each time the campus modifies the grid or adds a building to the campus, a grant of easement agreement is required for National Grid to construct and maintain the new power service. A motion was made to approve by Mr. Kay and seconded by Mr. Griffith.

Passed Unanimously

ITEM M – Board of Higher Education – A request was made for approval of and signatures on a Parking Agreement by and between the Board of Higher Education and the Rhode Island Convention Authority. This item was deferred to a future meeting of the State Properties Committee at the request of the Board of Higher Education.

ITEM N – Department of Environmental Management – A request was made for approval of and signatures on a Deed to Development

Rights to Dutra Farm in the Town of Jamestown. Mr. Griffith asked if any changes or revisions whatsoever had been made relative to the acquisition of the development rights to Dutra Farm totaling eighty (80) acres of land since the previous presentation. Ms. Primiano indicated that no changes or revisions whatsoever have been made relative to the acquisition of the development rights to Dutra Farm. A motion to approve was made by Mr. Griffith and seconded by Mr. Pagliarini. Passed Unanimously

ITEM O– Department of Environmental Management – A request was made for approval of and signatures on a Deed to Development Rights to Neale Farm in the Town of Jamestown. Mr. Griffith asked if any changes or revisions whatsoever had been made relative to the acquisition of the development rights to Neale Farm totaling thirty-nine (39) acres of land since the previous presentation. Ms. Primiano indicated that no changes or revisions whatsoever have been made relative to the acquisition of the development rights to Neale Farm. A motion to approve was made by Mr. Griffith and seconded by Mr. Kay. Passed Unanimously

ITEM P – Department of Environmental Management – A request was made for approval of and signatures on two (2) Indenture of Lease Agreements by and between the State of Rhode Island acting through the Department of Environmental Management and the Pawtucket Country Club (the “PCC”) for land parcels located off Armistice Boulevard, along the Ten Mile River in the City of Pawtucket. This request was deferred to a future meeting of the State Properties Committee at the request of the Department of Environmental

Management.

The Committee moves to go into Executive Session, pursuant to Rhode Island General Law 42-46-4(a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purpose, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

A motion was made to enter into Executive Session by Mr. Griffith and seconded by Mr. Kay. A roll call vote was taken and the votes were as follows: Mr. Kay voted "Aye", Mr. Griffith "Aye", Mr. Woolley voted "Aye"; Mr. Pagliarini voted "Aye" and Chairman Flynn voted "Aye".

The State Properties Committee closed Executive Session and returned to

open session at 11:18 a.m.

A motion was made to seal the minutes of the Executive Session by Mr. Griffith

and seconded by Mr. Kay.

Passed Unanimously

ITEM E1 – Rhode Island State Police – A request was made for

approval of and signatures on a Lease Agreement for office space located in the Providence/ Metropolitan area. After discussion in Executive Session, a motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

There being no further business to come before the State Properties Committee,

the meeting was adjourned at 11:19 a.m. A motion was made to adjourn by Mr. Griffith

and seconded by Mr. Kay.

Passed Unanimously

Holly H. Rhodes, Executive Secretary